

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 3105 72nd Street W., Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 12th day of October, 2004. (Case No. VAC2004-00048)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4C

3. MEETING DATE:

09-14-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 8/27/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00048 was submitted by Steven L. Schneckenberg, and Dorothy M. Schneckenberg, and Lucy Meister a/k/a Lucy Schneckenberg.

LOCATION: The site is located at 3105 72nd Street W., Lehigh Acres, Florida 33971. Petition No. VAC2004-00048 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services 9/1/04 | | | G County Manager |
|-----------------------------|---------------------------------|-------------------------|------------|-------------------------|--------------------------------|--------------------|--------------------|---------------------|
| | | | | | OM 9/1/04 | Risk 9/1/04 | GC 9/1/04 | |
| <i>[Signature]</i> | N/A | N/A | N/A | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 9/30/04
Time: 2:47
Forwarded To: *[Signature]*

RECEIVED BY
COUNTY ADMIN: TD
9-1-04
9:05 AM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9-1-04
4:20 pm



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2004-00048

Petitioner(s), Steven L. Schneckenberg + Lucy Meister + Dorothy M. requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows: Schneckenberg

1. Petitioner(s) mailing address, 1918 S.W 25th St. Cape Coral FL 33914

2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".

4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".

5. Petitioner is fee simple title holder to the underlying land sought to be vacated.

6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.

7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Wherefore, Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

Steven L. Schneckenberg
Petitioner Signature

Lucy Meister AKA
Petitioner Signature
Lucy Schneckenberg

Steven L. Schneckenberg
Printed Name

Lucy Meister/Lucy Schneckenberg
Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.

Dorothy Schneckenberg
Signature

Dorothy Schneckenberg
Printed Name

Original

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 3105 72nd St W. Lehigh Ave FL 33971 and legally described in exhibit 02-44-26-10-00101-0040 attached hereto. 02-44-26-10-00101-0050

Donald Allen Contracting - Mark Hamer The property described herein is the subject of an application for zoning or development. We hereby designate this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Steven L. Schneckenberg
Owner*(signature)

Owner*(signature)

Steven L. Schneckenberg
Printed Name

Printed Name

Lucy Schneckenberg
Owner*(signature)

Owner*(signature)

Lucy Schneckenberg AKA Lucy Meister
Printed Name

Printed Name

Dorothy Schneckenberg
Owner*(signature)

Owner*(signature)

Dorothy Schneckenberg
Printed Name

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 28th day of July, 2007, by Steven L. Schneckenberg, Lucy Schneckenberg, Dorothy Schneckenberg, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Notary Public

(Name)



Original

EXHIBIT "A"
Petition to Vacate
VAC2004-00048

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

| | | | | | | |
|-------------------|----|----|----|----|---|---|
| 14 | 13 | 12 | 11 | 10 | 9 | 8 |
| SEVENTH SECOND ST | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| SEVENTH FIRST ST | | | | | | |
| 14 | 13 | 12 | 11 | 10 | 9 | 8 |
| CANAL | | | | | | |

LOCATION SKETCH

FLOOD INFORMATION

PANEL NOT PRINTED
NO SPECIAL FLOOD HAZARD AREAS
MAP 125124 0375 B
DATE: 5-5-03

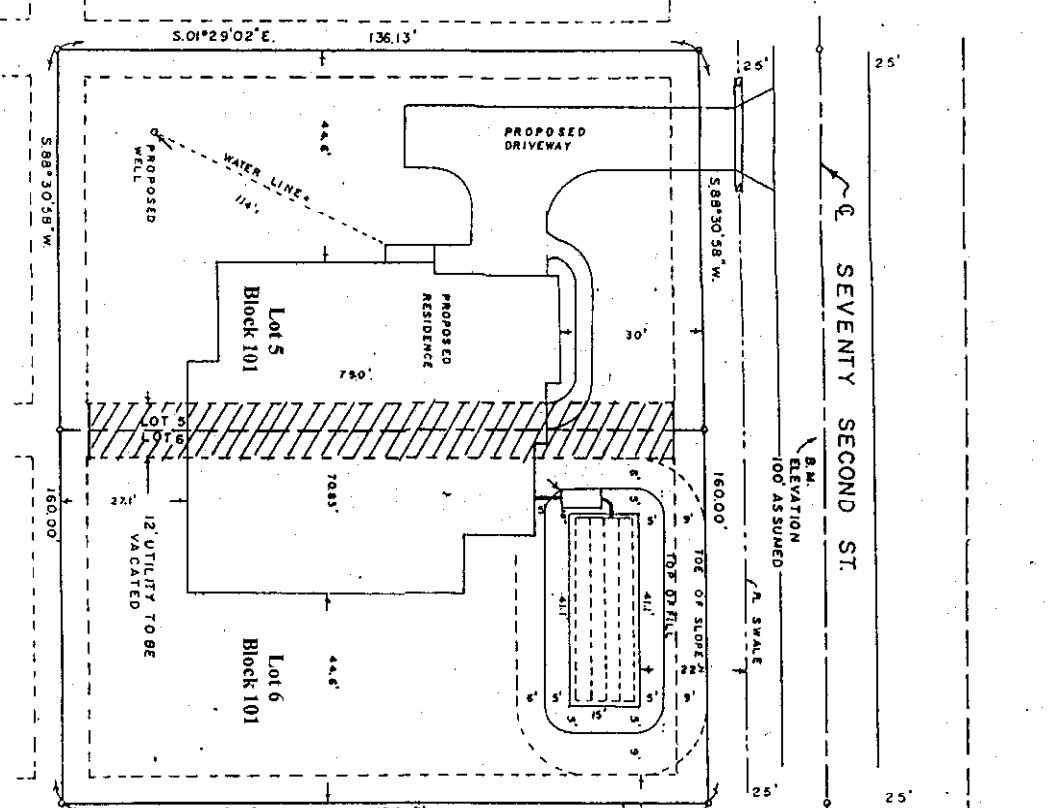
THE BEARINGS AS SHOWN HEREON ARE BASED
ON THE CENTERLINE OF SEVENTH SECOND ST
± 136.13' ± 5.01° 29' 02" E

A Subdivision of Lehigh Acres,
Lots 5 & 6, Block 101, Unit 10,
Section 2, Twp 44S, Rge 26E
Recorded in Plat Book 15,
Page 59 of the Public Records,
Lee County, Florida

LEGAL DESCRIPTION
LOT 5 & 6, BLOCK 101
LEHIGH ACRES UNIT 10
PLAT BOOK 15, PAGE 59

According to the Plat thereof as recorded in Plat Book _____ at Page _____
Public Records of _____ County, Florida.
FOR: DON ALLEN CONST. DATE: _____

Exhibit "B"
Petition to Vacate
VAC2004-00048
[Page One of One]



PROPOSED
1200 GALLON, CATEGORY 3 TANK
616 S.F. DRAINFIELD
SLOPE OF LOT LESS THAN 1%
SCALE: 1" = 40'



LEGEND

1. DIMENSIONS ARE IN FEET & DECIMALS THEREOF
 2. F.D. = FOUND
 3. N. = NORTH
 4. S. = SOUTH
 5. E. = EAST
 6. W. = WEST
 7. C.M. = CONCRETE MONUMENT
 8. C. = CENTERLINE
 9. B.D. = BRASS DISC
 10. B.M. = BENCH MARK
 11. E.L. = ELEVATION
 12. R.O.W. = RIGHT-OF-WAY
 13. U.T.S. = UNITED TELEPHONE SYSTEM
 14. C.B. = CATCH BASIN
 15. F.P.B.L. = FLORIDA POWER & LIGHT
 16. P.O.B. = POINT OF BEGINNING
 17. P.O.C. = POINT OF COMMENCEMENT
 18. P.R.M. = PERMANENT REFERENCE MARK
 19. R.C.P. = PERMANENT CONTROL POINT
 20. P.U.E. = PUBLIC UTILITY EASEMENT
 21. CALC. = CALCULATED
 22. MEAS. = MEASURED
 23. PRO. = PROPORTIONED
 24. STARNES W/4 REBAR = A #4 REBAR AND CAP, STAMPED STARNES
 25. STARNES C.M. = CONCRETE MONUMENT A METAL PLATE, STAMPED STARNES
 26. CONC. = CONCRETE
 27. NGVD = NATIONAL GEODETIC VERTICAL
 28. M.H.T. = MEAN HIGH TIDE
 29. Δ = DELTA, R = RADIOUS, A = ARC, CH = CHORD
- NOTE: UNDER GROUND IMPROVEMENTS THAT NOT SHOWN, IF ANY WERE NOT LOCATED, SHOWN HEREON.

I HEREBY CERTIFY that the survey hereon was made under my direction and is true and correct to the best of my knowledge and belief. I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the State of Florida. SEE Florida Statutes, Chapter 107-4, F.S.A.

JAMES R. STARNES, P.L.S. 4869
REGISTERED LAND SURVEYOR
STATE OF FLORIDA

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

O.S.T.S. ON
R.J. WARD P.E.

Starnes Surveying, Inc. L.B. 6746

18571 DURRANCE ROAD • N. FORT MYERS, FLORIDA • (941) 543-3335

BOUNDARY SURVEY

Field Book 15-E Page _____ W.O. 51-2 Sheet _____ of _____

Exhibit "C"
Petition to Vacate
VAC2004-00048
 [Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

| | | |
|--|--|---------------|
| Account | Tax Year | Status |
| 02-44-26-10-00101.0050 | 2003 | PAID |
| Original Account | Book/Page | |
| 02-44-26-10-00101.0050 | 4008/3340 | |
| Physical Address | Mailing Address | |
| SCHNECKENBERG STEVEN L + SCHNECKENBERG DOROTHY M + MEISTER LUCY J/T 3105 72ND ST W LEHIGH ACRES FL 33971 | SCHNECKENBERG STEVEN L + SCHNECKENBERG DOROTHY M + MEISTER LUCY J/T 1918 SW 25TH ST CAPE CORAL FL 33914 USA | |
| Legal Description | | |
| LEHIGH ACRES UNIT 10 BLK 101 PB 15 PG 59 LOTS 5 + 6 | | |
| Outstanding Balance as of 8/24/2004 | | \$0.00 |

Prepared by
Shora Bastian, an employee of
Guardian Title Services Corporation
3501 Del Prado Boulevard, Suite 303
Cape Coral, Florida 33904-7201
(239) 542-9422

Return to: Grantee

File No.: 2050-269401

SPECIAL WARRANTY DEED
(Corporate Seller)

State of Florida

County of Lee

THIS Special Warranty Deed is made the Twenty-fifth day of July, 2003, between

Florida Landmark Communities, Inc., a Florida Corporation F/K/A Lehigh Corporation

having a business address at: 1811 E. Cape Coral Parkway, Cape Coral, FL 33904
("Grantor"). and

**Steven L. Schneckenberg, a single person and Dorothy M. Schneckenberg, a single person
and Lucy Melster, a single person as joint tenants with right of survivorship**

having a mailing address of: 1918 SW 25th Street, Cape Coral, FL 33914
("Grantee"),

WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, remised, released, conveyed and confirmed unto said "Grantee", it's successors and assigns forever, following described land, situate, lying and being in the County of Lee, State of Florida, to-wit:

Lot 4, 5 and 6, Block 101, UNIT 10, of SECTION 2, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, according to the Plat thereof as recorded in Plat Book 15, Page 59, of the Public Records of Lee County, Florida.

Tax Parcel Identification Number: **02-44-26-10-00101.0040** and
02-44-26-10-00101.0050

Subject, however, to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions or requirements imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; and that said land is free of all encumbrances except taxes accruing subsequent to **December 31, 2002**. That it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents on the date first above written.

Florida Landmark Communities, Inc., a Florida Corporation F/K/A Lehigh Corporation



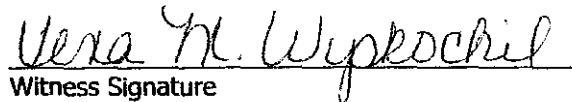
By: Brian D. Green, Vice President

Signed, sealed and delivered in our presence:



Witness Signature

Print Name: Barbara Plambeck



Witness Signature

Print Name: Tena M. Wyskochil



Florida Power & Light Company

May 21, 2004

Mark Hamor
Don Allen Contracting
3323 North Key Dr Unit 9
North Fort Myers, FL 33903

Re: Proposed Vacation of Easement for 3105 72nd St W

Dear Mr Hamor ,

FPL would have no objection to vacating the two public utility easements of 6ft each along the lot line between 3105 72nd St W , Lehigh Acres, FL 33971, lots 5 and 6 block 101 unit 10 as recorded in Plat Book 15, Page 59 of Lee County Public Records.

If you have any question, please call me at (239) 332-9168.

Sincerely,

A handwritten signature in black ink that reads "Billy Midgett".

Billy Midgett
Customer Project Manager



May 20, 2004

Mr. Mark Hamor
Don Allen Contracting
3323 North Key Drive, Unit 9
North Fort Myers, Florida 33903

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 5 & 6, Block 101, Section 2, Township 44S, Range 26E.
As recorded in Plat Book 15, Page 59 of the Lee County Public Records.
Strap No. – 02-44-26-10-00101.0050

Dear Mr. Hamor:

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility/drainage easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863-452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson
Engineer



**26930 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

May 21, 2004

Don Allen Contracting
C/O Mark Hamor
3323 North Key Dr #9
N Ft Myers, Fl 33903

Re: Strap # 02-44-26-10-00101.0050
Vacate easement

Dear Mark Hamor:

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook
Design Coordinator



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

July 16, 2004

Mark Hamor
Don Allen Contracting
3323 North Key Drive, Unit 9
North Fort Myers, Fl. 33903

**SUBJECT: PETITION TO VACATE PUBLIC A UTILITY EASEMENT
3105 72ND STREET
STRAP # s 02-44-26-10-00101.0050**

Dear Mr. Hamor:

Lee County Utilities has reviewed your request for easement vacation as described in your letter of May 1, 2004. Lee County Utilities has no facilities located within the area described; therefore, there is no objection to the reconveyance of this property.

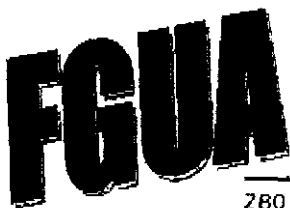
Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181 ext. 8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

S:\Engr\MMMA\LETTERS\VACATION\3105 72nd STREET-NO-OBJECTION.doc

**FLORIDA GOVERNMENTAL UTILITY AUTHORITY**

280 Wekiva Springs Road, Suite 203, Longwood, Florida 32779. Ph: (407) 629-6900, Fax: (407) 629-6963

July 29, 2004

Mark Hamor
3323 North Key Dr. Unit 9
North Fort Myers, FL. 33903

RE: Vacation of Easement for Lot 5 and Lot 6, Block 101, 72nd Street,
Lehigh Acres

Dear Mr. Hamor:

The FGUA determined that they do not presently hold any property rights over the address identified above other than the plat reservation. They also determined that the FGUA has no current utilities in the utility easement nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the Board approved the request for vacation of easement for the petitioner Mark Hamor on July 29, 2004.

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the east side of Lot 5 and west side of Lot 6 (excluding the northern and southern 6 feet) of Block 101 in Lehigh Acres. The request is made for the purpose of combining lots for new home construction. All lots in this subdivision have 6-foot utility easements around all sides.

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

A handwritten signature in black ink, appearing to read 'Charles Sweat', is written over a long, thin horizontal line.

Charles Sweat
Director of Operations

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

August 25, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Steven L. & Lucy (Meister) Schneckenberg
& Dorothy Schneckenberg
1918 S.W. 25th St.,
Cape Coral, FL 33914

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Re: **VAC2004-00048 - Petition to Vacate** a 12-foot wide Public Utility Easement on the combined lots centered on the common lot line between Lots 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. & Ms. Schneckenberg:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 3105 72nd Street W., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Should you have any questions, please call me at the above telephone number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

PJE/RSK

U:\200408\20040804.144\1073670\DCDLETTER.DOC

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00048**

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2004-00048 is set for the
_____ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of
County Commissioners of Lee County, Florida this _____

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00048

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00048

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 12th day of October, 2004 @ 5:00 pm in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.



LEE COUNTY
SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

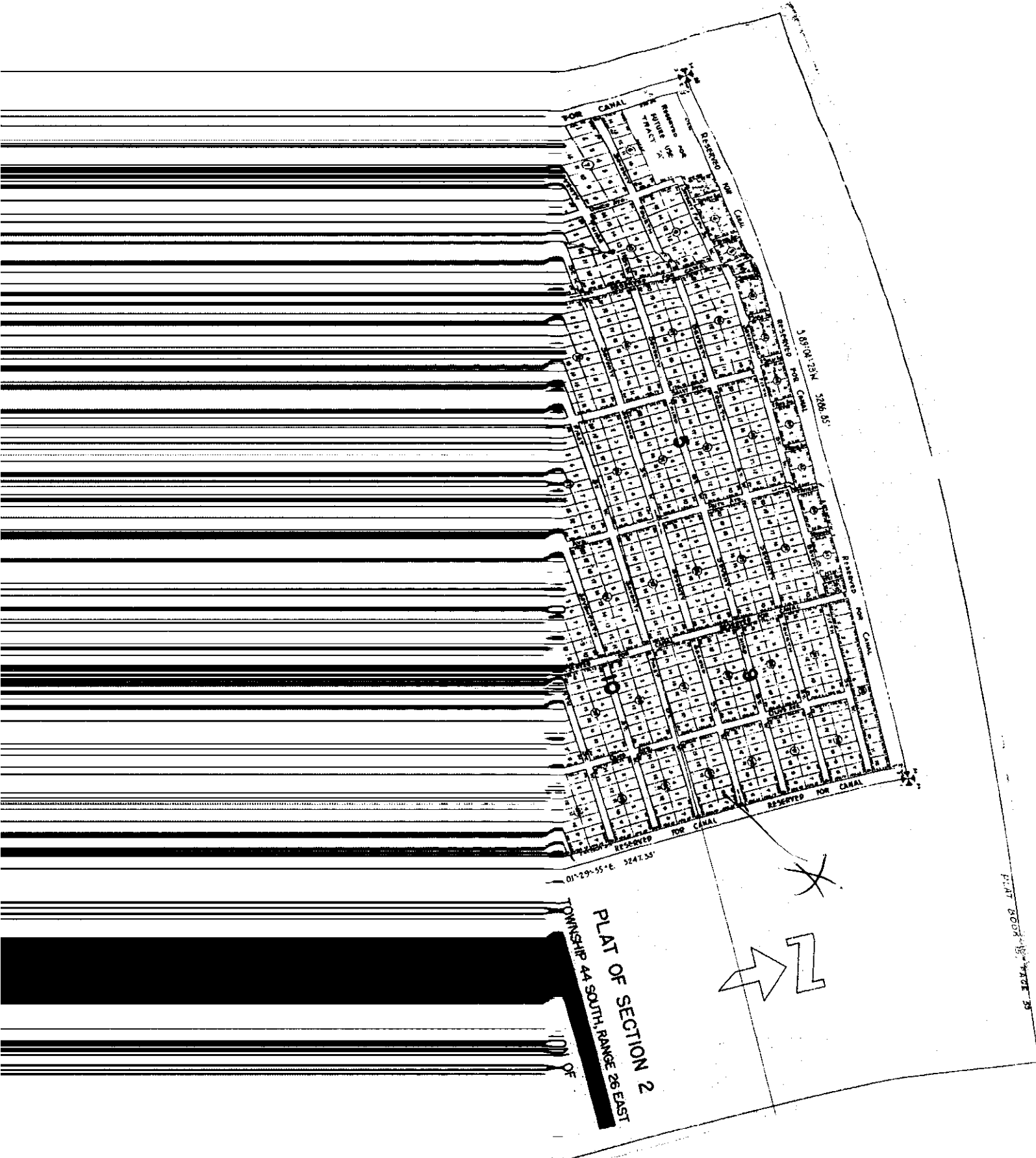
EXHIBIT "A"
Petition to Vacate
VAC2004-00048

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 of the Public Records of Lee County, Florida;

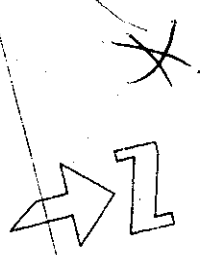
LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

13



01° 29' 55\" E. 5247.55'

PLAT OF SECTION 2
TOWNSHIP 44 SOUTH, RANGE 26 EAST



PLAT BOOK PAGE 35



RESERVED FOR CANAL

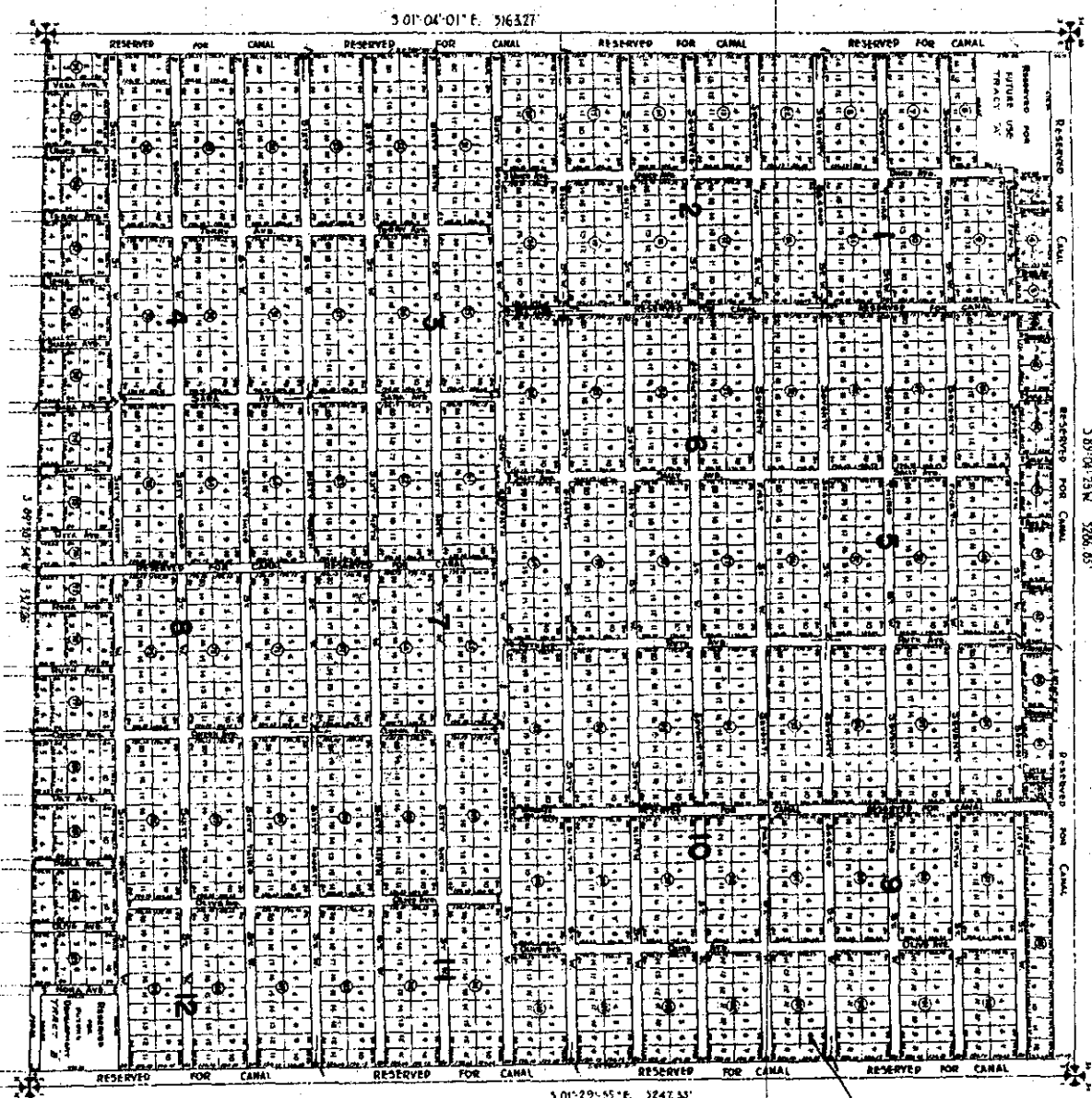
| | | | | | | | | | | | | | | |
|-----------------|----|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 147.15 97.09 | 82 | 104.18 | 104.18 | 104.18 | 104.17 | 104.16 | 104.16 | 104.16 | 104.18 | 104.17 | 104.18 | 104.18 | 104.18 | 104.18 |
| 146.18 | | 1 | 2 | 3 | 4 | 5 | 6 | 83 | 7 | 8 | 9 | 10 | 11 | 12 |
| 97.09 | | 104.17 | 104.17 | 104.17 | 104.17 | 104.16 | 104.16 | 104.16 | 104.16 | 104.17 | 104.17 | 104.17 | 104.17 | 104.17 |
| 50 | | FIFTH ST. W. | | | | | | | | | | | | 50 |
| 80 | 10 | 136.13 | | | | | | | | | | | | 80 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 92.06 |
| 80 | 11 | 136.13 | | | | 87 | | | | | | | | 136.13 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 80 |
| 80 | | FOURTH ST. W. | | | | | | | | | | | | 80 |
| 10 | | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 88 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |
| 80 | | THIRD ST. W. | | | | | | | | | | | | 80 |
| 10 | | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 89 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |
| 80 | | SECOND ST. W. | | | | | | | | | | | | 80 |
| 10 | | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 97 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |
| 80 | | FIRST ST. W. | | | | | | | | | | | | 80 |
| 9 | 10 | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 98 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |
| 80 | | OLIVE AVE. W. | | | | | | | | | | | | 80 |
| 9 | 10 | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 99 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |
| 80 | | OLIVE AVE. W. | | | | | | | | | | | | 80 |
| 9 | 10 | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 100 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |
| 80 | | NINTH ST. W. | | | | | | | | | | | | 80 |
| 9 | 10 | 136.13 | | | | | | | | | | | | 92.06 |
| 136.13 | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | 136.13 |
| 80 | 11 | 136.13 | | | | 100 | | | | | | | | 80 |
| 136.13 | | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | | | | | 92.06 |

RESERVED FOR CANAL

RESERVED FOR CANAL

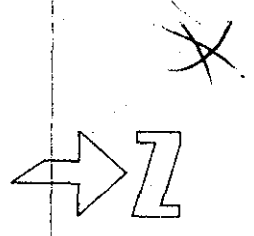
3105 72 NW ST W

7-55" E. 5247.33'



3 89° 04' 23\"/>

3 01° 29' 55\"/>



PLAT BOOK PAGE 55

PLAT OF SECTION 2

TOWNSHIP 44 SOUTH, RANGE 26 EAST

A SUBDIVISION OF

LEHIGH ACRES

LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO DEVELOPERS

Sold: **August 1956**

Unit Boundary

SURVEYOR'S CERTIFICATE

I, the undersigned, hereby certify that the plat on which this plat is shown is a correct and true copy of the original plat on file in the office of the Surveyor General, Lee County, Florida, and that the same has been duly recorded in the public records of said county.

(Signature)
 Surveyor General, Lee County, Florida

All lots shown on this plat are subject to the same laws and rules as apply to other lots shown on this plat, and the same shall be subject to the same laws and rules as apply to other lots shown on this plat.

Lee County, Florida
 Lee County Land & Title Co.
 Lee County, Florida



Donald Allen

GENERAL CONTRACTOR, INC.

3323 North Key Dr. #9, North Fort Myers, FL 33903

Office: (239) 997-4200

Fax: (239) 656-1336

Tuesday, July 27, 2004

PETITION TO VACATE
REQUEST FOR LETTER OF REVIEW AND RECOMMENDATION

RE: Request for a letter of Review and Recommendation on a proposed right-of-way or road easement vacation, utility or drainage easement, at the following location:

To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement, utility or drainage easement at the location identified above in order to accomplish the following purpose:

We have included a sketch or drawing of the right-of-way or road easement, utility or drainage easement, we desire to vacate. Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

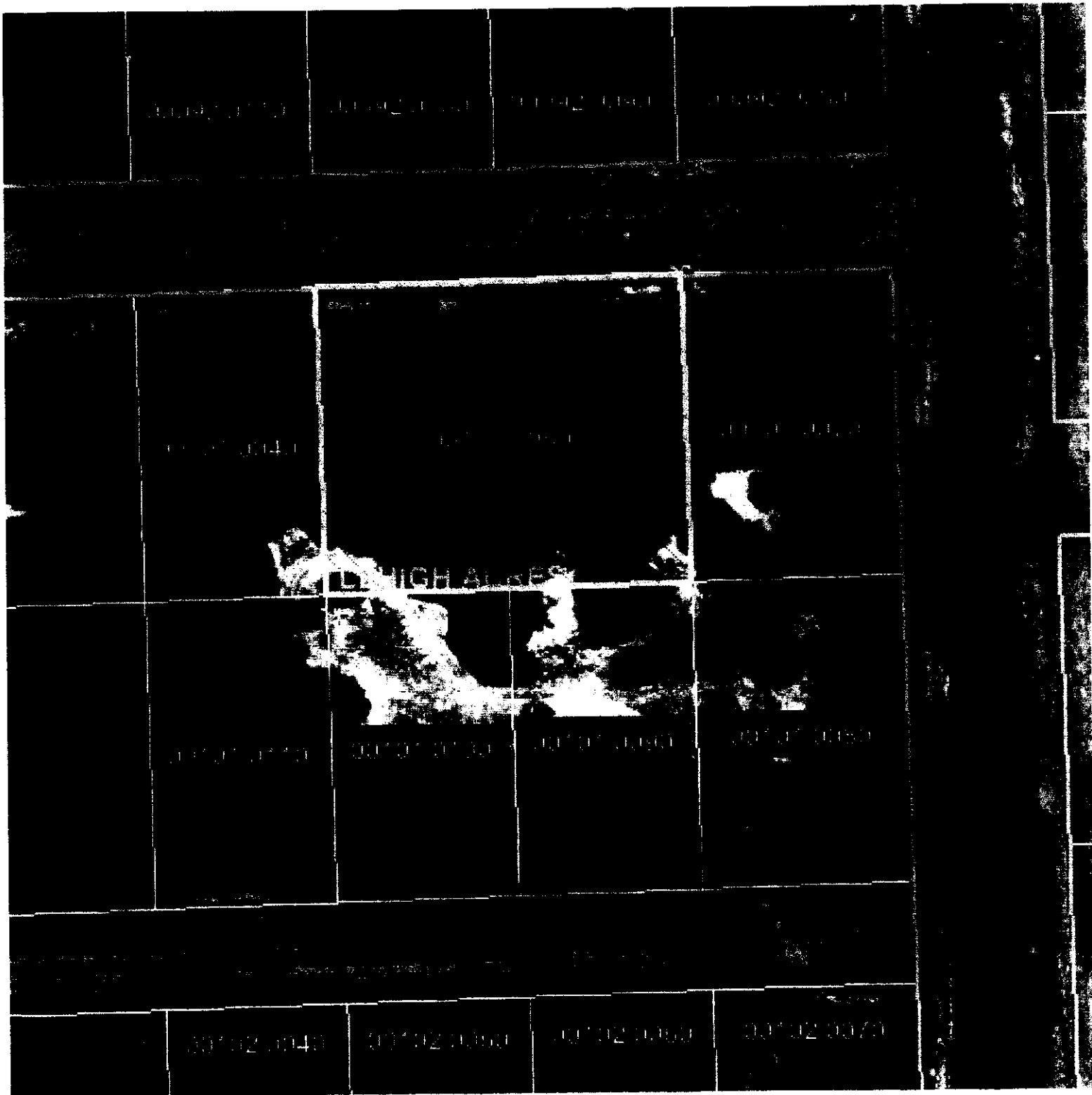
Signed,

The Petitioner

TO BUILD SINGLE FAMILY HOME ON COMBINED LOTS.

RE: REQUEST FOR A LETTER OF REVIEW AND RECOMMENDATION ON A PROPOSED 12 FOOT UTILITY EASEMENT VACATION AT THE FOLLOWING LOCATION:

A TWELVE FOOT STRIP ITS CENTERLINE BEING THE LINE COMMON TO LOTS 5 AND 6, BLOCK 101, LEHIGH ACRES UNIT 10, PLAT BOOK 15, PAGE 59 NOT INCLUDING THE NORTH AND SOUTH 6 FOOT THEREOF. SEE STRAP: 02-44-26-10-00101.0050



Area to be vacated